

Remarks

Claims 1-146 are pending. The Examiner has required restriction to one of the following:

- I. Claims 1-17, 32-43, 118, 119 , 122 and 123 are drawn to a radioactively labeled analog of a fatty acid, classified in class 424, subclass 1.85.
- II. Claims 18-31, 120 and 121 are drawn to radioactively labeled analog of a fatty acid, classified in class 424, subclass 1.85.
- III. Claims 44-54, 124 and 125 are drawn to radioactively labeled analog of a fatty acid, classified in class 424, subclass 1.85.
- IV. Claims 55-65, 126 and 127 are drawn to radioactively labeled analog of a fatty acid, classified in class 424, subclass 1.85.
- V. Claims 66-77, 128 and 129 are drawn to radioactively labeled analog of a fatty acid, classified in class 424, subclass 1.85.
- VI. Claims 78-97 and 142-146 are drawn to a method of measuring blood flow in a subject, classified in class 424, subclass 9.1.
- VII. Claims 98-117 are drawn to a method of measuring metabolism in a subject, classified in class 424, subclass 9.1.
- VIII. Claims 130-141 are drawn to a method of synthesizing a fatty acid, classified in class 424, subclass 1.11.

Applicants elect Group I, with traverse. In the event Applicants elected Group I, the Examiner has required election of a species from each of the following:

Group I:

a.) a value for n, m, R and Z;

b.) Heart, liver or tumor tissue;

c.) a radioactive isotope;

d.) depending on the choice of Z; a cyclic alkane, i.e. cyclopropyl, etc.

or a heterocyclic organic substituent, i.e. 3-5 membered ring, etc.; and

e.) between the organic substituent reducing metabolic hydroxylation or dehydrogenation (an alkyl or a cyclic subsistent that blocks the 1, 2 or 2, 3 positions of the fatty acid).

To that end, Applicants elect

a.) N = 13, m = 1, R = alkyl and z = a cyclic organic substituent;

b.) Heart tissue;

c.) [18F];

d.) choice of Z = cyclopropyl.

e.) reducing metabolic hydroxylation.

Finally, the Examiner has required the election of a single disclosed species for prosecution on the merits. To that end, Applicants elect 9-[F-18]fluoro-3,4-methyleneheptadecanoic acid.

Reconsideration and rejoinder of Groups I, II, III, IV, and V is respectfully requested. Searching the additional inventions of Groups I, II, III, IV, and V must constitute an undue burden on the examiner for restriction to be permissible. MPEP § 803 The MPEP directs the Examiner to search and examine an entire application “[i]f the search and examination of an entire application can be made without serious burden, ... even though it includes claims to distinct or independent inventions.” *Id.* It is respectfully submitted that it would not place an unnecessary burden on the Examiner to search and examine Groups I, II, III, IV, and V together, as a search for the radioactively labeled analogs of Group I would necessarily encompass the analogs of Group II, III, IV and V.

At a minimum, Partial reconsideration and rejoinder of Group VI and VII with Group I is respectfully requested. It is respectfully submitted that it would not place an unnecessary burden on the Examiner to search and examine Groups I, VI and VII together, as a search for the compounds of Group I methods would inevitably encompass the methods of Groups VI and VII.

Furthermore, Reconsideration of the election requirement is respectfully requested. It is respectfully submitted that, armed with the election of a single disclosed species, the Examiner will be able to fully examine the elected groups. In particular, a search for the elected species will necessarily encompass the tissue and the metabolic pathway reduced by the analogs of the invention. An election beyond the single disclosed species will in no way aide the Examiner in her search. Should the Examiner maintain her species election requirements, Applicants fully intend to seek rejoinder of any non elected species that require all the limitations of an allowable claim.

In view of the foregoing, the Groups I, II, III, IV, V, VI and VII claims of the present application represent a web of knowledge and continuity of effort that merits examination in a single application. Accordingly, reconsideration and withdrawal of

the Restriction Requirement is respectfully requested, and an early action on the merits is earnestly solicited.

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Respectfully submitted,

By



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